

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Superior Industries, L.L.C.

Petition No. 2001-1126-053-025

**CONSENT ORDER**

WHEREAS, Superior Industries, L.L.C. of Wolcott, CT (hereinafter "respondent") has been issued license number 000182 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about November 2001, respondent was the licensed asbestos contractor for an asbestos abatement project at 130 Springdale Avenue, Meriden, CT (hereinafter "the property"). Said project involved the removal of asbestos containing floor covering and ceiling material in connection with the demolition of a residential building on the property.
2. On or about November 15, 2001, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to properly construct and/or maintain a worker decontamination system in that the system did not contain a working supply of warm water for the shower. In addition, the clean room of the worker decontamination system was undersized and did not contain suitable hooks, lockers or shelves for the workers to store personal articles and clothing;
  - b. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or vacuuming with a high efficiency particulate air filtered

- vacuum to remove all asbestos debris in that a Department investigator observed eight (8) workers exit the work area without decontaminating themselves;
- c. failed to properly isolate the work area from the non-work areas with air-tight barriers attached securely in place in that a Department investigator observed numerous breaches throughout the work area, which included the first and second floors of the building; and
  - d. failed to thoroughly decontaminate and clean free of asbestos debris all materials prior to removal from the work area in that visible residue remained on wood lath and other materials removed by respondent's workers from the work area to the basement of the building.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(c), 19a-332a-6(a), 19a-332a-6(b), 19a-332a-7(d), 20-440-1 and 20-440-6(b) of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

- 1. Respondent waives its right to a hearing on the merits of this matter.

2. Respondent's license number 000182 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of four thousand dollars (\$4,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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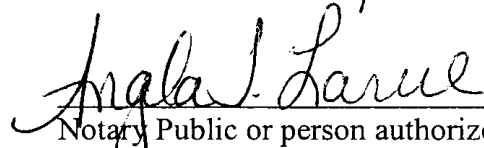
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I, Earl Clark, Member and General Manager of Superior Industries, L.L.C., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind Superior Industries, L.L.C. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Earl Clark, Member and General Manager

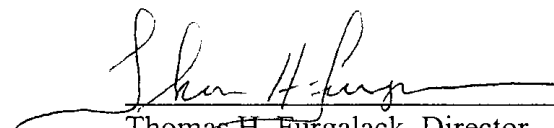
Subscribed and sworn to before me this 22<sup>nd</sup> day of July 2002.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
My Commission Expires  
9/30/2004

The above Consent Order having been presented to the duly appointed agent of the

Commissioner of the Department of Public Health on the 25<sup>th</sup> day of

July 2002, it is hereby accepted.

  
Thomas H. Furgalack, Director  
Division of Environmental Health

s:llf/superior/co  
6/02